

EB-1081-C

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:

JOHN J. ZAPPILE, JR.

) Case No. 24-17073 (JNP)

) Chapter 13

)
) RESPONSE IN OPPOSITION TO DEBTOR'S
) MOTION TO REINSTATE THE AUTOMATIC
) STAY

Exeter Finance LLC f/k/a Exeter Finance Corp. ("Exeter Finance"), a creditor of the Debtor, objects to the Debtor's Motion To Reinstate The Automatic Stay for the following reasons:

- A. Exeter Finance is the holder of a first purchase money security interest in personal property described as a **2018 Jeep Wrangler** bearing vehicle identification number 1C4BJWDGXJL862769.
- B. The Order For Stay Relief was entered on May 6, 2025. The Debtor has not made a payment on the account since that time. The Debtor's account with Exeter Finance is past due post-petition from July 2024 through July 2025, with arrears in the amount of \$6,249.66. The account is past due contractually in the amount of \$10,324.27.

EB-1081-C

- 1 C. The amended Plan filed by the Debtor appears to attempt to pay the entire claim for
2 the vehicle through the Plan. The Debtor's account with the Chapter 13 Trustee is
3 delinquent in the amount of \$16,800.00 through July 2025, which is the equivalent of
4 four (4) monthly payments. The amended Plan proposed amended Plan appears to
5 cure post-petition arrears on the Debtor's other vehicle, in addition to this vehicle, yet
6 only proposes to increase the monthly payment to the Trustee by \$500.00.
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8 D. This is the Debtor's 3rd Bankruptcy filing within the past 3 years, with the previous 2
9 cases dismissing within 4 months of being filed.
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11 E. The Debtor's Motion is in essence, a Motion To Reconsider. This Court should only
12 grant a motion to reconsider if the moving party shows either: (1) an intervening change in
13 the controlling law; (2) the existence of new evidence that was not available when the
14 court issued its order; or (3) the need to correct a clear error of law or fact or to prevent
15 manifest injustice. It does not appear from the pleadings that any of these 3 criteria are
16 met in the instant case.
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20 For the foregoing reasons, Exeter Finance respectfully requests that the Debtor's
21 Motion To Reinstate The Automatic Stay be DENIED.
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23

24 /s/ William E. Craig
25 William E. Craig, attorney
26 for Exeter Finance LLC
f/k/a Exeter Finance Corp.

27 Date: 8/1/25
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